

can be selectively moveable and that the selectively moveable part can be moved for focusing and dispersing a LED beam as desired. It was the Applicants' position that the specification at page 5, lines 24-31, together with reference to Fig. 1 adequately taught that either the reflector 50 or LED array 30 was rotatable. This adequately described the claimed invention. In response, the Examiner withdrew the rejection in the Office Action mailed December 21, 2001.

The Applicants are therefore somewhat puzzled by the Examiner's current objection to the drawings based on the claimed feature of a mechanically adjustable LED beam. The mechanically adjustable LED beam may be adjusted through the rotation of the reflector 50 and/or the LED array 30 as described above, and on page 5, lines 24-31 of the specification. This text, in conjunction with Fig. 1 adequately describes the claimed elements of a mechanically adjustable LED beam. Therefore, Applicants submit that no further drawing is necessary. As such, Applicants request that the Examiner remove the objection under 37 C.F.R. §1.83(a) and allow the drawings as submitted.

II. Claims 12, 16, 17 and 19-21 are patentable over Halasz in view of McDermott

The Examiner rejected claims 12, 16, 17 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Halasz in view of McDermott. Applicants respectfully request withdrawal of this rejection based on the above amendments.

Claim 12 from which the remainder of the rejected claims depend, now recites a flashlight comprising at least two light emitting diodes mounted within the flashlight housing and a switch for selectively turning on and off any of the select number of the at least two LEDs, thereby allowing a user to choose from several different levels of illumination. Neither Halasz nor McDermott disclose or suggest a flashlight comprising at least two LEDs. In addition, neither disclose or suggest a switch adapted to selectively turn on and off any select number of at least two LEDs. As discussed above, both Halasz and McDermott only disclose flashlights having a single light bulb. Thus, they cannot possibly teach or suggest a switch for turning on

or off a select number of at least two LEDs. Thus, the noted combination fails to render claims 12, 16, 17 and 19-21 unpatentable.

III. Claim 22 is patentable over Halasz in view of McDermott and further in view of Sharrah

The Examiner rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Halasz in view of McDermott and further in view of Sharrah. The Applicants respectfully disagree.

Amended claim 12, from which rejected claim 22 depends, recites a flashlight comprising at least two LEDs and an adjustable switch for selectively turning on and off any select number of the at least two LEDs. As described above, neither Halasz nor McDermott disclose or suggest these features. Sharrah also does not disclose a flashlight comprising at least two LEDs. Although Sharrah does disclose two light sources, only one of these at most may be an LED. In this respect, reference is made to column 2, lines 59-63 of Sharrah which states that one of the lamp elements is preferably an incandescent bulb, while the other is a light-emitting diode. Although it is contemplated that both elements can be incandescent bulbs, it is not contemplated that both lamp elements be LEDs. Thus, the noted combination of Sharrah, Halasz and McDermott fails to render claim 22 unpatentable.

IV. Claim 23 is patentable over Halasz in view of McDermott and further in view of Lebens

The Examiner rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Halasz in view of McDermott and further in view of Lebens. Applicants respectfully disagree for at least the following reasons.

First, there is no motivation to combine Lebens with Halasz and McDermott. The Examiner states that Lebens discloses a plurality of LEDs arranged concentrically around a single LED thereby forming a substantially circular configuration and a dynamic pulse control system. Even assuming this to be true, Lebens cannot be combined with Halasz because the focusing reflector of Halasz

would not function properly with a plurality of LEDs as a light source. In this respect, the Examiner is directed to column 10, lines 37-42 of Halasz which states

" . . . As a result, the reflector **440** moves relative to the lamp **70**, and such movement allows for the light emanating from the lamp **70** to be focused by positioning the lamp **70** at the reflector's **440** focal point, or defocused by positioning the lamp **70** away from the reflector's **440** focal point."

Thus, for the invention of Halasz to work correctly, a single lamp must be able to be positioned at the reflector's focal point. A plurality of LEDs arranged concentrically in a circle would not all be able to fit within the reflector's focal point, thereby defeating the focusing capability of Halasz. Thus, Halasz actually teaches away from the use of two or more LEDs in its invention. Thus, there is absolutely no motivation to combine the Halasz, Lebens and McDermott references.

Second, even if the references could somehow be combined they would still not meet all of the recitations of the claimed invention. Claim 23 depends from independent claim 12 which recites an adjustable switch adapted to selectively turn on and off any select number of the at least two LEDs thereby allowing a user to choose from several different levels of illumination. Here none of the references disclose or suggest such a switch. Thus, the stated combination of Halasz, McDermott and Lebens fails to disclose or suggest all of the elements found in claim 12 (and thus claim 23) for the reasons stated above.

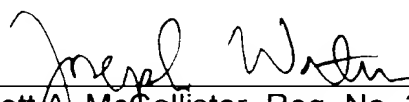
CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the rejections set forth in the Office Action of January 14, 2003 have been overcome. Accordingly, Applicants submit that all pending claims, claims 1-5, 7-17 and 19-23 are in condition for allowance. Withdrawal of the rejections and early notification of allowability are earnestly solicited. Should any issued remain, the Examiner is encouraged to contact the undersigned to resolve any such issue.

Respectfully submitted,

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